

Electronic Acknowledgement Receipt

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|---|---------------------------------------|
| EFS ID: | 1509694 |
| Application Number: | 10708433 |
| International Application Number: | |
| Confirmation Number: | 2432 |
| Title of Invention: | APPARATUS FOR MOBILE TERMINAL DISPLAY |
| First Named Inventor/Applicant Name: | Jonathan DeLine |
| Customer Number: | 24239 |
| Filer: | Michael G. Johnston/Laura McCullen |
| Filer Authorized By: | Michael G. Johnston |
| Attorney Docket Number: | U02-0189-35 |
| Receipt Date: | 12-FEB-2007 |
| Filing Date: | 03-MAR-2004 |
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| Application Type: | Utility |

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| Submitted with Payment | yes |
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File Listing:

| Document Number | Document Description | File Name | File Size(Bytes) | Multi Part /.zip | Pages (if appl.) |
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|--|------------------------|---------------|--------|----|---|
| 1 | Extension of Time | PTO_SB_22.pdf | 53804 | no | 1 |
| Warnings: | | | | | |
| Information: | | | | | |
| 2 | Notice of Appeal Filed | PTO_SB_31.pdf | 57174 | no | 1 |
| Warnings: | | | | | |
| Information: | | | | | |
| 3 | Amendment After Final | Amendment.pdf | 299449 | no | 5 |
| Warnings: | | | | | |
| Information: | | | | | |
| 4 | Fee Worksheet (PTO-06) | fee-info.pdf | 8308 | no | 2 |
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| Total Files Size (in bytes): | | | 418735 | | |
| <p>This Acknowledgement Receipt evidences receipt on the noted date by the USPTO of the indicated documents, characterized by the applicant, and including page counts, where applicable. It serves as evidence of receipt similar to a Post Card, as described in MPEP 503.</p> <p><u>New Applications Under 35 U.S.C. 111</u> If a new application is being filed and the application includes the necessary components for a filing date (see 37 CFR 1.53(b)-(d) and MPEP 506), a Filing Receipt (37 CFR 1.54) will be issued in due course and the date shown on this Acknowledgement Receipt will establish the filing date of the application.</p> <p><u>National Stage of an International Application under 35 U.S.C. 371</u> If a timely submission to enter the national stage of an international application is compliant with the conditions of 35 U.S.C. 371 and other applicable requirements a Form PCT/DO/EO/903 indicating acceptance of the application as a national stage submission under 35 U.S.C. 371 will be issued in addition to the Filing Receipt, in due course.</p> <p><u>New International Application Filed with the USPTO as a Receiving Office</u> If a new international application is being filed and the international application includes the necessary components for an international filing date (see PCT Article 11 and MPEP 1810), a Notification of the International Application Number and of the International Filing Date (Form PCT/RO/105) will be issued in due course, subject to prescriptions concerning national security, and the date shown on this Acknowledgement Receipt will establish the international filing date of the application.</p> | | | | | |

Electronic Patent Application Fee Transmittal

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|---|---------------------------------------|----------|--------|----------------------|
| Application Number: | 10708433 | | | |
| Filing Date: | 03-Mar-2004 | | | |
| Title of Invention: | APPARATUS FOR MOBILE TERMINAL DISPLAY | | | |
| First Named Inventor/Applicant Name: | Jonathan DeLine | | | |
| Filer: | Michael G. Johnston/Laura McCullen | | | |
| Attorney Docket Number: | U02-0189-35 | | | |
| Filed as Large Entity | | | | |
| Utility Filing Fees | | | | |
| Description | Fee Code | Quantity | Amount | Sub-Total in USD(\$) |
| Basic Filing: | | | | |
| Pages: | | | | |
| Claims: | | | | |
| Miscellaneous-Filing: | | | | |
| Petition: | | | | |
| Patent-Appeals-and-Interference: | | | | |
| Notice of appeal | 1401 | 1 | 500 | 500 |
| Post-Allowance-and-Post-Issuance: | | | | |
| Extension-of-Time: | | | | |

| Description | Fee Code | Quantity | Amount | Sub-Total in USD(\$) |
|------------------------------------|----------|----------|--------|----------------------|
| Extension - 3 months with \$0 paid | 1253 | 1 | 1020 | 1020 |
| Miscellaneous: | | | | |
| Total in USD (\$) | | | | 1520 |

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NOTICE OF APPEAL FROM THE EXAMINER TO THE BOARD OF PATENT APPEALS AND INTERFERENCES

Docket Number (Optional)

U02-0189-35

I hereby certify that this correspondence is being facsimile transmitted to the USPTO or deposited with the United States Postal Service with sufficient postage as first class mail in an envelope addressed to "Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450" [37 CFR 1.8(a)]

on _____

Signature _____

Typed or printed
name _____

In re Application of
Jonathan DeLine

Application Number
10/708,433

Filed
March 3, 2004

For
APPARATUS FOR MOBILE TERMINAL DISPLAY

Art Unit
2617

Examiner
Marcos L. Torres

Applicant hereby **appeals** to the Board of Patent Appeals and Interferences from the last decision of the examiner.

The fee for this Notice of Appeal is (37 CFR 41.20(b)(1))

\$ 500.00

☐ Applicant claims small entity status. See 37 CFR 1.27. Therefore, the fee shown above is reduced by half, and the resulting fee is:

\$ _____

☐ A check in the amount of the fee is enclosed.

☒ Payment by Electronic Funds Transfer.

☐ The Director has already been authorized to charge fees in this application to a Deposit Account. I have enclosed a duplicate copy of this sheet.

☒ The Director is hereby authorized to charge any additional fees which may be required, or credit any overpayment to Deposit Account No. **13-4365**. I have enclosed a duplicate copy of this sheet.

☒ A petition for an extension of time under 37 CFR 1.136(a) (PTO/SB/22) is enclosed.

WARNING: Information on this form may become public. Credit card information should not be included on this form. Provide credit card information and authorization on PTO 2038.

I am the

☐ applicant/inventor.

☐ assignee of record of the entire interest.

See 37 CFR 3.71. Statement under 37 CFR 3.73(b) is enclosed.
(Form PTO/SB/96)

☒ attorney or agent of record.

Registration number **37,911**

☐ attorney or agent acting under 37 CFR 1.34.

Registration number if acting under 37 CFR 1.34. _____

Signature

Michael G. Johnston

Typed or printed name

(919)-286-8124

Telephone number

02/12/2007

Date


NOTE: Signatures of all the inventors or assignees of record of the entire interest or their representative(s) are required. Submit multiple forms if more than one signature is required, see below*.

☒ *Total of **1** forms are submitted.

This collection of information is required by 37 CFR 41.31. The information is required to obtain or retain a benefit by the public which is to file (and by the USPTO to process) an application. Confidentiality is governed by 35 U.S.C. 122 and 37 CFR 1.11, 1.14 and 41.6. This collection is estimated to take 12 minutes to complete, including gathering, preparing, and submitting the completed application form to the USPTO. Time will vary depending upon the individual case. Any comments on the amount of time you require to complete this form and/or suggestions for reducing this burden, should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, U.S. Department of Commerce, P.O. Box 1450, Alexandria, VA 22313-1450. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.

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| | | | |
|---|---------------------------------|--|-------------------------|
| PETITION FOR EXTENSION OF TIME UNDER 37 CFR 1.136(a) FY 2006 (Fees pursuant to the Consolidated Appropriations Act, 2005 (H.R. 4818).) | | Docket Number (Optional) U02-0189-35 | |
| Application Number 10/708,433 | | Filed March 3, 2004 | |
| For APPARATUS FOR MOBILE TERMINAL DISPLAY | | | |
| Art Unit 2617 | | Examiner Marcos L. Torres | |
| This is a request under the provisions of 37 CFR 1.136(a) to extend the period for filing a reply in the above identified application. The requested extension and fee are as follows (check time period desired and enter the appropriate fee below): | | | |
| | | <u>Fee</u> | <u>Small Entity Fee</u> |
| <input type="checkbox"/> | One month (37 CFR 1.17(a)(1)) | \$120 | \$60 \$ _____ |
| <input type="checkbox"/> | Two month (37 CFR 1.17(a)(2)) | \$450 | \$225 \$ _____ |
| <input checked="" type="checkbox"/> | Three month (37 CFR 1.17(a)(3)) | \$1020 | \$510 \$ 1020.00 |
| <input type="checkbox"/> | Four month (37 CFR 1.17(a)(4)) | \$1590 | \$795 \$ _____ |
| <input type="checkbox"/> | Five month (37 CFR 1.17(a)(5)) | \$2160 | \$1080 \$ _____ |
| <input type="checkbox"/> Applicant claims small entity status. See 37 CFR 1.27. | | | |
| <input type="checkbox"/> A check in the amount of the fee is enclosed. | | | |
| <input checked="" type="checkbox"/> Payment by Electronic Funds Transfer. | | | |
| <input type="checkbox"/> The Director has already been authorized to charge fees in this application to a Deposit Account. | | | |
| <input checked="" type="checkbox"/> The Director is hereby authorized to charge any additional fees which may be required, or credit any overpayment, to Deposit Account No. 13-4365 . I have enclosed a duplicate copy of this sheet. | | | |
| WARNING: Information on this form may become public. Credit card information should not be included on this form. Provide credit card information and authorization on PTO-2038. | | | |
| I am the <input type="checkbox"/> applicant/inventor. | | | |
| <input type="checkbox"/> assignee of record of the entire interest. See 37 CFR 3.71. Statement under 37 CFR 3.73(b) is enclosed (Form PTO/SB/96). | | | |
| <input checked="" type="checkbox"/> attorney or agent of record. Registration number 37,911 . | | | |
| <input type="checkbox"/> attorney or agent acting under 37 CFR 1.34. Registration number if acting under 37 CFR 1.34. _____ | | | |
|  Signature | | 02/12/2007 Date | |
| Michael G. Johnston Type or printed name | | (919) 286-8000 Telephone Number | |
| NOTE: Signatures of all the inventors or assignees of record of the entire interest or their representative(s) are required. Submit multiple forms if more than one signature is required, see below. | | | |
| <input checked="" type="checkbox"/> Total of 1 forms are submitted. | | | |

This collection of information is required by 37 CFR 1.36(a). The information is required to obtain or retain a benefit by the public which is to file (and by the USPTO to process) an application. Confidentiality is governed by 35 U.S.C. 122 and 37 CFR 1.11 and 1.14. This collection is estimated to take 6 minutes to complete, including gathering, preparing, and submitting the completed application form to the USPTO. Time will vary depending upon the individual case. Any comments on the amount of time you require to complete this form and/or suggestions for reducing this burden, should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, U.S. Department of Commerce, P.O. Box 1450, Alexandria, VA 22313-1450. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.

If you need assistance in completing the form, call 1-800-PTO-9199 and select option 2.

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

| | | | | |
|--------------|---|------------------|-------------------|------|
| Appl. No. | : | 10/708,433 | Confirmation No.: | 2432 |
| Applicant | : | Jonathan DeLine | | |
| Filed | : | March 3, 2004 | | |
| T.C./A.U. | : | 2617 | | |
| Examiner | : | Marcos L. Torres | | |
| Docket No. | : | U02-0189-35 | | |
| Customer No. | : | 54,494 | | |

Commissioner for Patents
P.O. Box 1450
Alexandria VA 22313-1450

AMENDMENT

Sir:

In response to the Office Action of August 10, 2006, please amend the above-identified application as follows. A Petition for Extension of Time is enclosed. Payment of the petition fee is being authorized via electronic funds transfer. The Commissioner is hereby authorized to debit any extra amount owed or to credit any extra amount paid to deposit account no. **13-4365**.

Amendments to the claims begin on page 2 of this paper.

Remarks/Arguments begin on page 4 of this paper.

Amendments to the Claims:

This listing of claims will replace all prior versions, and listings, of claims in the application.

Listing of Claims:

1-3. (cancelled)

4.(previously presented) A mobile terminal for use in a wireless communication system, comprising:

a housing having an inner major surface and an opposed outer major surface and enclosing electronic components operable to transmit and receive telecommunication signals, the inner major surface of the housing including means for providing user input to the mobile terminal;

a display having an inner major surface and an opposed outer major surface and electrically connected to the electronic components in the housing, the display movably mounted to the housing for movement relative to the housing from a first position where the inner major surface of the display is opposite the inner major surface of the housing for at least partially concealing the user input means of the housing and a second position such that the user input means of the housing is exposed and accessible to the user; and

a flip cover having an inner major surface and an opposed outer major surface and electrically connected to the electronic components in the housing, the inner major surface of the flip cover including means for providing user input to the mobile terminal, the flip cover pivotally mounted to the housing and movable relative to the housing and the display between a closed position where the inner major surface of the flip cover is opposite the outer major surface of the display when the display is in the first position and an open position, the flip cover being sized to substantially conceal the outer major surface of the display and the inner major surface of the housing when in the closed position, and

means for rotating the display interposed between the display and the pivotal mounting, the rotating means allowing the display to rotate relative to the housing and the flip cover in a direction perpendicular to the axis of the pivotal mounting for positioning one of the inner major surface or the outer major surface of the display against the inner major surface of the housing or the flip cover.

5.(original) A mobile terminal for use in a wireless communication system as recited in claim 4, further comprising a hinge connecting the housing, the flip cover, and the display, the hinge providing the axis of movement of the housing, the flip cover and the display, and wherein the display rotating means is a movable support attached to the hinge and to an edge of the display.

6.(previously presented) A mobile terminal for use in a wireless communication system, comprising:

a housing having an inner major surface and an opposed outer major surface and enclosing electronic components operable to transmit and receive telecommunication signals, the inner major surface of the housing including means for providing user input to the mobile terminal;

a display having an inner major surface and an opposed outer major surface and electrically connected to the electronic components in the housing, the display movably mounted to the housing for movement relative to the housing from a first position where the inner major surface of the display is opposite the inner major surface of the housing for at least partially concealing the user input means of the housing and a second position such that the user input means of the housing is exposed and accessible to the user; and

a flip cover having an inner major surface and an opposed outer major surface and electrically connected to the electronic components in the housing, the inner major surface of the flip cover including means for providing user input to the mobile terminal, the flip cover pivotally mounted to the housing and movable relative to the housing and the display between a closed position where the inner major surface of the flip cover is opposite the outer major surface of the display when the display is in the first position and an open position, the flip cover being sized to substantially conceal the outer major surface of the display and the inner major surface of the housing when in the closed position, and

a rotational joint mounted between the housing and the display for allowing the display to rotate relative to the housing and the flip cover in a plane about an axis perpendicular longitudinal axis of the housing.

7.(original) A mobile terminal for use in a wireless communication system as recited in claim 6, wherein the display is mounted to the housing at a position along the longitudinal axis of the housing.

8.(original) A mobile terminal for use in a wireless communication system as recited in claim 6, wherein the display is mounted to the housing at a position spaced from the longitudinal axis of the housing.

9.(original) A mobile terminal for use in a wireless communication system as recited in claim 6, wherein the rotational joint allows the display to rotate by at least about degrees.

10.(currently amended) A mobile terminal for use in a wireless communication system as recited in claim 6, wherein the user input means of the housing and the flip cover comprises a keypad apparatus disposed within the housing and the flip cover, the keypad apparatus also electrically connected to the electronic components in the housing so that tactile input can be received.

REMARKS/ARGUMENTS

Applicant hereby requests further examination and reconsideration of the application in view of Applicant's belief that the application is in condition for allowance. Allowance of the application at an early date is respectfully requested.

Claims 4-10 are rejected under 35 U.S.C. 103(a) as being unpatentable over Shima in view of Mizuta (EP 1298890). The examiner states that Shima discloses a mobile terminal for use in a wireless communication system, comprising: a housing having an inner major surface (see fig. 4a, item 22a, item and an opposed outer major surface and enclosing electronic components operable to transmit and receive telecommunication signals (see fig. 4b, item 22), the inner major surface of the housing including means for providing user input to the mobile terminal (see fig. 4a, item 3); a display having an inner major surface and an opposed outer major surface and electrically connected to the electronic components in the housing (see fig. 12, item 51), the display movably mounted to the housing for movement from a first position where the inner major surface of the display is opposite the inner major surface of the housing for at least partially concealing the user input means of the housing and a second position such that the user input means of the housing is exposed and accessible to the user; and a flip cover having an inner major surface and an opposed outer major surface and electrically connected to the electronic components in the housing, the inner major surface of the flip cover including means for providing user input to the mobile terminal, the flip cover pivotally mounted to the housing and movable between a closed position where the inner major surface of the flip cover is opposite the outer major surface of the display when the display is in the first position and an open position, the flip cover being sized to substantially conceal the outer major surface of the display and the inner major surface of the housing when in the closed position (see fig. 12; par. 0013-0015, 0093-0096), further comprising means for rotating the display (see fig. 12, item 63).

The examiner correctly notes that Shima does not specifically disclose means for rotating the display interposed between the display and the pivotal mounting, the rotating means allowing the display to rotate in a direction perpendicular to the axis of the pivotal mounting for positioning one of the inner major surface or the outer major surface of the display against the inner major surface of the housing or the flip cover. The examiner relies on Mizuta, which according to the examiner, discloses a mobile terminal for use in a wireless communication system, further comprising a rotational joint mounted between the housing and the display for allowing the display to rotate in a plane about an axis perpendicular longitudinal axis of the housing, wherein the display is mounted to the housing at a position along the longitudinal axis of the housing, wherein the rotational joint allows the display to rotate by at least about 90 degrees (see fig. 4a, 4b), thereby permitting to move the screen in the desired position. The examiner concludes it would have been obvious to one of the ordinary skill in the art at the time of invention to combine these teachings for the simple purpose of easier view to the user.

Applicant gratefully acknowledge the telephone interview of February 8, 2007, during which the references to Shima and Mizuta were discussed. The examiner stood by his rejection as stated in the current office action and summarized above.

The Applicant respectfully submits that independent claims 1 and 6 patentably distinguish from the above references. Claims 1 and 6 recite, *inter alia*, a mobile terminal a

housing, a display movably mounted to the housing for movement relative to the housing, and a flip cover pivotally mounted to the housing and movable relative to the housing and the display. Means for rotating the display, such as a rotational joint, is provided between the housing and the display for allowing the display to rotate. These features, with the advantages described above, are neither taught nor suggested by the references.

Moreover, the examiner has not made a *prima facie* case for obviousness since there is no motivation or suggestion to combine the references. Shima discloses a pivoting three-part phone. Mizuta merely shows a jackknife phone with the traditional housing and flip cover as is well known. A person of ordinary skill in the art would not be motivated by Shima to look to Mizuta to provide a rotational joint for the display. The examiner's argument is merely hindsight reconstruction in view of the presently claimed invention. Shima fails to recognize and thus realize the advantages which the Applicant has achieved in his invention, much less provide the motivation to combine with Mizuta. If the features were indeed obvious, they would have been disclosed in at least one of the references relied upon by the Examiner. Given the advantages of the claimed invention explained in the specification, and the fact that there is no motivation or suggestion for such a design for a mobile terminal, Applicant respectfully requests that the examiner withdraw the rejection.

Therefore, Applicant believes claims 4 and 6 define a novel mobile terminal which is not disclosed by the prior art either alone or in any reasonable combination.

Claims 5 and 7-10 of the present application all depend from claims 4 and 6. In addition to the distinguishing features recited in claims 4 and 6 and discussed above, the mobile terminal of the present invention has additional advantageous features defined in the dependent claims which further distinguish the present invention over the prior art. The references do not disclose or suggest these features with their many advantages.

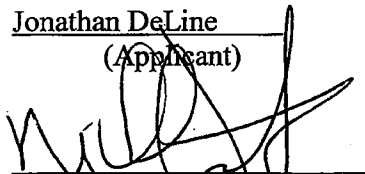
For the foregoing reasons, the Applicant respectfully submits that claims 4-10 are now in condition for allowance. Entry of the amendments and allowance of the application at an early date is respectfully requested.

Respectfully submitted,

Jonathan DeLine
(Applicant)

Date: February 12, 2007

By:


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